

Secondhand Smoke and Your Home



What You Can Do About It

What is Secondhand Smoke?

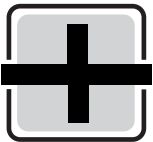


Secondhand Smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and any other smoke exhaled by the smoker. This mixture contains more than 4,000 substances, more than 40 of which are known to cause cancer in humans.

The U.S. Environmental Protection Agency (EPA) has classified secondhand smoke as a cancer-causing agent, similar to asbestos or radon.

Exposure to secondhand smoke is called involuntary smoking or passive smoking.

Why should I be concerned



In California, secondhand smoke kills an estimated 4,700 non-smokers per year. The EPA estimates that every year in the United States, between 150,000 and 300,000 children less than 18 months of age get bronchitis or pneumonia from breathing secondhand smoke.

Children exposed to secondhand smoke are also more likely to have reduced lung function and symptoms of respiratory irritation like cough, excess phlegm, and wheezing.

Passive smoking can lead to buildup of fluid in the middle ear, causing ear infections and hospitalization of children.

Asthmatic children are especially at risk:

The EPA estimates that exposure to secondhand smoke increases the number of episodes and severity of symptoms in hundreds of thousands of asthmatic children.

The EPA estimates that between 200,000 and 1,000,000 asthmatic children have their condition made worse by exposure to secondhand smoke.

How Does Secondhand Smoke Get into the Home?



If someone smokes inside your home, the smoke stays, concentrates and pollutes the indoor air that you breathe. In a typical home with closed windows, it takes 10 hours for 99% of smoke to be removed from the air.

Secondhand smoke can also seep into and out of open windows and doorways.

Shared ventilation systems can cause tobacco smoke to blow from one room or unit to another.

Smoke can also seep into your home from electrical sockets, cracks in the sealing, and other openings.

What Can I Do?



Your main goal is clear – you want to breathe smokefree air. But it will be helpful if you have some specific ideas about how you want the problem resolved. Do you want to be relocated? Do you want repairs made to your home? Do you want smokefree policies in your building? Do you want to work with smokers in your building? It is suggested that you come up with as many possible solutions as you can and document the problem as much as possible for when you approach your landlord or others where you live.

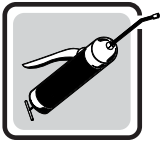
Americans for Nonsmokers' Rights has an informative website at www.no-smoke.org to help you think about the options open to you.

I. Minimize Risk

The following harm reduction recommendations are strategies you can use to help reduce exposure to secondhand smoke where smoking is still permitted in your building. Some repairs can be done by tenants while many others will require either the approval or assistance from the owner/manager of the building. In some cases, the lease may specify which kinds of repairs are the responsibility of the tenant and which require landlord approval.

These strategies are not substitutes for complete protection from secondhand smoke, which is provided by 100% smokefree environments. Finally, the following is general information and not a guarantee that any or all of these strategies will work in your particular situation.

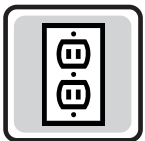
Fireblocks and Sheetrock/Plaster



These are physical separations between one unit and the next. When we build homes, we drill numerous holes through wall plates and subfloor assemblies for electrical wiring, plumbing runs, and ductwork. Smoke can travel through these openings. Smoke traveling through these openings can be reduced by taping, caulking, or latex foaming the holes.

Foam is ideal for filling, sealing and insulating cracks and gaps around pipes, vents and outlets.

Insulation Pads on Electrical Outlets & Switches



Drafts of air containing cigarette smoke can also travel through electrical outlets and switches. Electrical outlet and switch seals are easily installed and prevent this type of smoke migration. These are available at most hardware stores.

Weatherproofing Door and/or Windows



Smoke from common hallways frequently enters units from gaps at the bottom and side of doors. Smoke can also enter through unsealed windows.

Door Bottoms and Door Sweeps can be installed to prevent smoke from leaving a unit and/or entering a unit.

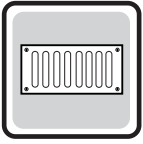
Insulation on doors and windows can also help in preventing smoke from entering and/or leaving a unit by using weatherstripping materials.

Install Fans and Increase Outside Air



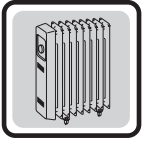
Sometimes it is helpful to install window fans to help remove smoke or to bring fresh outside air in. This can help to dilute the concentration of smoke in your unit and to prevent additional smoke from coming in through cracks, gaps and other openings.

Repair Vent Check Valves



Check Valves from bathroom and/or kitchen vents may not close properly so that air from one unit is forced into another. Check Valves open and close to prevent the movement of smoke and odors from migrating from one unit to another. Generally, correction of this problem requires the assistance of a contractor. For this type of problem you should contact the person responsible for repairs and construction issues in your unit.

Heating, Ventilation, Air Conditioning and Air Balancing



Mechanical air system defects frequently result in smoke traveling from one unit to the next. Generally, correction of this problem requires the assistance of a contractor or building engineer. For this type of problem you should contact the person responsible for repairs and construction issues in your unit.

Relocate Smoking

Smokers can be asked to restrict the locations where they smoke in their unit so that they are not smoking near openings, windows, or doors.

Post No Smoking Signs



These should be posted in areas where smoking is prohibited, such as in common areas like hallways, stairways, and laundry rooms.

Materials and Assistance

Most hardware stores provide advice and carry the supplies you might need. If they don't carry these supplies, they can order them for you. Always follow product instructions.

II. Advocacy – Organize Where You Live for a Smoke Free Policy



If you live in a **Multi Unit Housing complex** you may want to work with fellow tenants and the building owner to advocate for a smoke free policy.

Residents of apartments, condos, and public and private housing have successfully worked with building owners and managers to promote the adoption of smoke free policies. These policies can govern a variety of spaces including: common areas, outdoor child play areas, apartments, blocks or floors of units and phase-in policies where units occupied by smokers are converted to smoke free areas when they leave.

Steps to do this may involve

- surveying residents and the building owner regarding their beliefs and preferences regarding smoke free areas;
- raising awareness through campaigns, health fairs, one-on-one sessions;
- development of the policy, and;
- presentation of the policy to the decision making body.

This type of effort works best when all residents are invited to participate (both non-smokers and smokers) and the proposed policies are appropriate to all of the residents needs. The beauty of working together for smoke free policies is that entire areas can be designated to become smoke free over time and can protect future generations from the effects of second hand smoke.

For materials, sample policies, and assistance contact the San Francisco Tobacco Free Project or American Lung Association project of San Francisco/San Mateo listed at the back of this booklet.

If you are an apartment owner or manager:

Fair Housing Councils throughout the State of California agree that “because smokers are not considered a category protected from discrimination under fair housing laws, a landlord can refuse to rent to you just because you smoke. The legitimate arguments that an owner can use are that smoking adds maintenance expenses, damages carpets, drapes and paint, and increases fire danger.” In most cases, an owner can create smokefree units or wings of housing.

If you live in Subsidized Housing:

In federally subsidized housing, one cannot refuse to rent a unit to a smoker, but one can prohibit smoking in the unit. The policy is acceptable if it targets only the behavior, not the smoker, i.e., anyone can rent, they just can't smoke in the unit.

Many groups are calling on HUD (the U.S. Department of Housing and Urban Development) to adopt policies to protect residents from smoke by designating smoke free units and common areas. For a sample resolution and supporting documentation contact the San Francisco Tobacco Free Project or American Lung Association project of San Francisco/San Mateo listed at the back of this booklet.

III. Legal Rights and other Options



Of course it is always useful to try working with the landlord to educate him/her about the problem and to try to resolve it without a lawyer, but if taking the steps described above fails to resolve the problem, you may want to consider pursuing legal action. This may require you to seek the assistance of an attorney who can help you research whether or not you have a case. If you are interested in this option, we suggest that you evaluate your complaint with an attorney to assess your resources, needs, potential success and other pertinent factors unique to your case before proceeding.

We have listed some of the potential avenues that are open to you below. At the end of this section you will find resources for residents of San Francisco that you may want to contact to begin this process and to obtain more information.

Complain to the Department of Building

Inspection. In some cases a defect in the construction of the building – for example, a defective wall between units – might be responsible for the seepage of smoke from one dwelling to another. If this is the case, state or local building codes may have been violated, and the San Francisco Department of Building Inspection may be able to order the landlord to correct the violation.

Possible Legal Remedies. Legal precedent exists for pursuing remedies under the common law, including bringing legal action under the following theories.

- Breach of the covenant of quiet enjoyment
- Breach of warranty of habitability
- Nuisance
- Negligence
- Battery
- Intentional infliction of emotional distress
- Trespass
- Constructive eviction
- Please see legal resources at the end of this booklet for contact information and resources.

Rights of Disabled Tenants and Individuals:

Tenants with certain physical impairments may have other legal remedies available to them under state or federal law. Under these laws, individuals with disabilities are entitled to reasonable accommodations and/or modifications of policies from their landlords to ensure equal access to and enjoyment of their housing. (Federal Fair Housing Amendments Act of 1988 and California Fair Employment and Housing Act.) Please see the legal resources at the end of this booklet for contact information and resources.

In addition, Title III of the Federal Americans with Disabilities Act (ADA) protects disabled individuals who are eligible to receive services or participate in programs or activities provided by a place of public accommodation. If a portion of a residential facility is open to the public (i.e., not limited exclusively to owners, residents and their guests), the protections and legal avenues provided by the ADA apply. Such locations include, for example, rental offices, pool areas or exercise facilities where memberships are sold to the general public and party rooms that may be rented to the public.

Directory

Local Contact Information

Environmental Health Management Section
San Francisco Department of Public Health
415-252-3840

San Francisco Department of Public Health
San Francisco Tobacco Free Project
30 Van Ness, #2300
San Francisco, California 94102
415-581-2448

San Francisco Department of Building Inspection
1660 Mission Street,
San Francisco, California 94102
415-558-6096

American Lung Association of San Francisco and San Mateo
2171 Junipero Serra Boulevard, Suite 720
Daly City, California 94104
650-994-1903
<http://www.lungusa.org>

For More Information Second Hand Smoke

Americans for Nonsmokers' Rights (ANR)
<http://www.no-smoke.org/ets.html>

American Lung Association of San Francisco and San Mateo
<http://www.lungusa.org>

Environmental Protection Agency (EPA)
<http://www.epa.gov/iaq>

Centers for Disease Control and Prevention (CDC)
<http://www.cdc.gov/tobacco/facts.htm>

Advocacy Groups

American Lung Association of San Francisco and San Mateo
2171 Junipero Serra Boulevard, Suite 720
Daly City, California 94104
650-994-1903
<http://www.lungusa.org>

San Francisco Tobacco Free Project
30 Van Ness, #2300
San Francisco, California 94102
415-581-2448
<http://sftfc.globalink.org/>

Americans for Nonsmokers' Rights (ANR)
2530 San Pablo Avenue, Suite J
Berkeley, California 94702
510-841-3032
<http://www.no-smoke.org/ets.html>

**S.A.F.E. Smokefree Air for Everyone and
The Smokefree Apartment House Registry**
P.O. Box 246
Newbury Park, California 91319
www.smokefreeapartments.org

Where to get Supplies to Minimize Risk

Most hardware stores provide advice and carry the supplies you might need. If they don't carry these supplies they can order them for you. Always follow product instructions.

Legal Resources

Technical Assistance Legal Center (TALC)

505 14th Street, Suite 810

Oakland, CA 94612

510-444-8252

510-444-8253

talc@phi.org

<http://www.phi.org/talc>

California Community Dispute Services

502 7th Street

San Francisco, CA 94102

415-865-2520

415-865-2538 fax

Community Boards

3130 24th Street

San Francisco, California 94110

415-920-3820

415-626-0595 fax

info@communityboards.org

www.communityboards.org

Project Sentinel, Lawyer Referral Service

430 Sherman Ave., Suite 308

Palo Alto, California 94306

650-321-6291

650-321-4173 fax

Bar Association of San Francisco, Lawyer Referral Service

465 California Street., Suite 1100

San Francisco, California 94104

415-989-1616

415 477-2389 fax

www.sfbar.org

Tobacco Control Resource Center Inc., and the Tobacco Products Liability Project (TPLP)

Northeastern School of Law

<http://www.tobacco.neu.edu>



Produced by the
Tobacco Free Project
San Francisco Department of Public Health